

## **IN THE CLAIMS**

1. (CURRENTLY AMENDED) A method of selecting an active base station during soft handover, the active base station receiving data from a source apparatus for onward transmission to a destination apparatus, the method comprising:

obtaining ~~relative~~ a measure of service quality ~~with respect to said destination apparatus based on service quality of data transmission from each of a base station to said destination apparatus and service quality of data transmission from said another base station to another said destination apparatus;~~

said base station and said other base station transmitting said ~~relative measures of~~ service quality of data transmission ~~from said base station~~ to said source apparatus; and

said source apparatus selecting the active base station ~~by said source apparatus~~ based on the ~~relative measures of~~ service quality of data transmission received from said base stations.

2. (CURRENTLY AMENDED) The method according to claim 1, further comprising determining a respective credit value based on each of the ~~relative measures of~~ service quality of data transmission, and transmitting the respective credit values from the base stations to the source apparatus.

3. (CURRENTLY AMENDED) The method according to claim 2, wherein the source apparatus receives the respective credit values from the base stations and selects the active base station based on the credit values.

4. (CURRENTLY AMENDED) The method according to claim 3, wherein the respective credit values ~~is~~are determined for each of a plurality of source apparatuses.

5. (CURRENTLY AMENDED) The method according to claim 1, wherein a plurality of different measures of quality of service from the base stations to the destination apparatus are determined.

6. (PREVIOUSLY PRESENTED) The method according to claim 1, wherein at least one of the following measures of quality of service is determined:

- (a) throughput ratio
- (b) ratio of satisfied packets
- (c) base station buffer occupancy.

7. (CURRENTLY AMENDED) The method according to claim 1, wherein a credit value is determined for each of a plurality of source apparatuses by comparing measures of a quality of service from the base stations to a plurality of destination apparatuses.

8. (PREVIOUSLY PRESENTED) The method according to claim 7, wherein the credit value is based on at least one of the following relative measures:

- (a) distance from average throughput
- (b) distance from minimum throughput ratio

- (c) distance from minimum quality of service
- (d) distance from minimum buffer length

9. (PREVIOUSLY PRESENTED) The method according to claim 7, wherein the credit value is based on a plurality of relative measures, and is a single value obtained by combining the relative measures.

10. (CURRENTLY AMENDED) The method according to claim 1 wherein the source apparatus receives credit values from the base stations, and selects the active base station based on a history of the credit values.

11. (PREVIOUSLY PRESENTED) The method according to claim 10, wherein a source user equipment with an improving history of credit values from a base station selects that base station as the active base station.

12. (PREVIOUSLY PRESENTED) The method according to claim 11, wherein a source user equipment with a worsening history of credit values from a base station deselects that base station as the active base station.

13. (PREVIOUSLY PRESENTED) The method according to claim 1, wherein a base station is selected as the active base station based additionally on a measure of radio channel conditions from the source apparatus to the base station.

14. (PREVIOUSLY PRESENTED) The method according to claim 13, wherein a base station is selected as the active base station based on a history of radio channel conditions.

15. (CURRENTLY AMENDED) The method according to claim 1, further comprising transmitting an indication of a selected base station from the source apparatus to the selected base station.

16. (CURRENTLY AMENDED) The method according to claim 1, further comprising scheduling uplink transmissions in dependence on the ~~relative-measures of~~ service quality of data transmission.

17. (CURRENTLY AMENDED) The method according to claim 16, wherein the source apparatus receives a credit value based on each of the ~~relative-measures of~~ service quality of data transmission and determines a time and/or rate of packet transmission based on the credit value.

18. (PREVIOUSLY PRESENTED) The method according to claim 1, the method being repeated periodically.

19. (CURRENTLY AMENDED) The method according to claim 1, wherein the active base station transmits data to the destination apparatus in its downlink.

20. (CURRENTLY AMENDED) The method according to claim 1, wherein the active base station transmits data to the destination apparatus via a network.

21. (CURRENTLY AMENDED) A base station for receiving data packets in an uplink from a source apparatus for onward transmission to a destination apparatus, the base station comprising:

a unit which obtains ~~relative~~ a measure of service quality ~~with respect to said destination apparatus based on service quality of data transmission from said base station to said destination apparatus and service quality of data transmission from said base station to another destination apparatus;~~

a producing unit which produces a credit value based on the ~~relative~~ measure of service quality of data transmission from said base station to said destination apparatus;

a transmitting unit which transmits the credit value to the source apparatus;

a receiving unit which receives from the source apparatus an indication of whether the base station has been selected as an active base station; and

an allocating unit which allocates a channel to the source apparatus if the base station has been selected as an active base station, wherein

the source apparatus selects the active base station based on the measure of service quality of data transmission received from said base station and another measure of service quality of data transmission received from another base station.

22. (PREVIOUSLY PRESENTED) The base station according to claim 21, wherein the credit value is determined for each of a plurality of source apparatuses.

23. (CURRENTLY AMENDED) The base station according to claim 21, wherein the credit value is based on a plurality of different measures of quality of service from the base station to ~~a~~the destination apparatus.

24. (CURRENTLY AMENDED) The base station according to claim 21, wherein the credit value is determined for each of a plurality of source apparatuses by comparing measures of ~~a~~quality of service from the base station to a plurality of destination apparatuses.

25. (PREVIOUSLY PRESENTED) The base station according to claim 21, wherein the credit value is based on a plurality of relative measures, and is a single value obtained by combining the relative measures.

26. (CURRENTLY AMENDED) A user apparatus for transmitting data to a destination apparatus via one or more base stations using soft handover, the user apparatus comprising:

a receiving unit which receives a credit value from each of a base station and another base station, the credit values being based on relative-respective measures of service quality ~~with respect to said destination apparatus, which is based on service quality~~ of data transmission from

said base station to said destination apparatus and ~~service quality of data transmission from~~  
~~said~~the other base station to ~~another~~said destination apparatus; and

a selecting unit which selects an active base station based on the credit values.

27. (PREVIOUSLY PRESENTED) The user apparatus according to claim 26, further comprising a storing unit which stores a history of credit values, and wherein the selecting unit is arranged to select the active base station based on the history of credit values.

28. (PREVIOUSLY PRESENTED) The user apparatus according to claim 26, further comprising a determining unit which determines a measure of radio channel conditions from the user apparatus to the base station, and wherein the selecting unit is arranged to select the active base station based additionally on the measure of radio channel conditions.

29. (PREVIOUSLY PRESENTED) The user apparatus according to claim 26, further comprising a storing unit which stores a history of radio channel conditions, and wherein the selecting unit is arranged to select the active base station based on the history of radio channel conditions.

30. (PREVIOUSLY PRESENTED) The user apparatus according to claim 26, further comprising a transmitting unit which transmits an indication of a selected base station.

31. (PREVIOUSLY PRESENTED) The user apparatus according to claim 26, further comprising a scheduling unit which schedules uplink transmissions in dependence on the credit value.

32. (CANCELLED)

33. (CURRENTLY AMENDED) A communications system comprising:  
a base station for receiving data packets in an uplink from a source apparatus for onward transmission to a destination apparatus, the base station comprising:

a unit which obtains ~~relative~~ a measure of service quality ~~with respect to said destination apparatus based on service quality of data transmission from said base station to said destination apparatus and service quality of data transmission from said base station to another destination apparatus;~~

a producing unit which produces a credit value based on the ~~relative~~ measure of service quality;

a transmitting unit which transmits the credit value to the source apparatus;

a receiving unit which receives from the source apparatus an indication of whether the base station has been selected as an active base station; and

an allocating unit which allocates a channel to the source apparatus if the base station has been selected as an active base station; and

~~a user~~ the source apparatus for transmitting data to ~~a~~ the destination apparatus via one or more base stations using soft handover, the ~~user~~ source apparatus comprising:



a receiving unit which receives said credit value from ~~a~~the base station, the credit value being based on the ~~relative~~measure of service quality, and another credit value from another base station, the other credit value being based on another measure of service quality of data transmission from the other base station to said destination apparatus; and

a selecting unit which selects the active base station based on the credit values.